

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2235.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ADULTERATION AND MISBRANDING OF MALT TONIC.

On September 27, 1912, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of malt tonic, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by John L. Coburg, New York, N. Y., and transported from the State of New York into the State of Massachusetts and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (Neck label) "Soldiers Delight". (Principal label) "Malt Tonic (Design of Eagle) A concentrated and nourishing liquid product of Malt and Hops—Free from any preservatives or deleterious substances—Trade Mark—John L. Coburg—New York—Distributor—Guaranteed by the manufacturers under the Food and Drugs Act, June 30, 1906, Serial No. 29749."

Adulteration of the product was alleged in the libel for the reason that substances, to wit, cereal, starchy material, and sugar had been substituted in part for the product. Misbranding was alleged for the reason that the label of the product bore a statement, design, and device regarding it and the ingredients and substances contained therein which was false and misleading in a certain particular, that is to say, the words "A concentrated and nourishing liquid product of Malt and Hops—Free from any preservatives or deleterious substances", placed thereon, would lead the purchaser to believe that the product was manufactured wholly from malt and hops, whereas, in truth and in fact, it was not so manufactured.

On October 31, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 21, 1913.*

